

**In the Matter Of:**  
**L.B. vs JEFFERSON CITY SCHOOL DISTRICT**

2:18-cv-04060-WJE

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**L B**

*August 10, 2018*

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DEPOSITION SOLUTIONS

1 L B  
2 duly sworn to tell the truth, the whole truth, and  
3 nothing but the truth, testified as follows:

4 EXAMINATION

5 QUESTIONS BY MS. PETERSON:

6 Q. Will you please state your full name for  
7 the record?

8 A. L B .

9 Q. Is it okay if I call you L ?

10 A. Yes.

11 Q. How old are you?

12 A. I'm 18.

13 Q. What is your date of birth?

14 A. May 28, 2000.

15 Q. Did you graduate from high school earlier  
16 this year?

17 A. No, ma'am.

18 Q. Senior this year?

19 A. Yes, ma'am.

20 Q. Senior at Jefferson City Public School  
21 District?

22 A. Yes.

23 Q. Where do you live?

24 A. I live in Jefferson City, 938 Shoemate  
25 Chapel Road.

1 A. I just started this week on Monday.  
2 Q. How long have you worked at Gerbes?  
3 A. For two years on the 26th, it will be two  
4 years.

5 Q. On August 26th?  
6 A. Yes, ma'am.

7 Q. Some of these questions are going to seem  
8 silly, but I have to ask so I understand the full scope  
9 of where we're going. Do you have any children?

10 A. No.

11 Q. I expected that answer, but I always check.  
12 L , have you ever given a deposition  
13 before?

14 A. No, ma'am.

15 Q. Were you deposed in the criminal case?  
16 A. I don't know.

17 Q. It would have been very similar to this.  
18 Mr. Buschman's attorney would have been asking you  
19 questions.

20 A. No.

21 MR. RHOADS: Can we go off the record?  
22 (A discussion was held off the  
23 record.)

24 BY MS. PETERSON:

25 Q. All right. L , since you've never been

1 Q. I have on your attendance form for  
2 September 9, 2016 that you were excused at 1. Does that  
3 sound right?

4 A. Yes.

5 Q. And then it says that it was dad approved.  
6 Did your dad approve your excuse that day?

7 A. No.

8 Q. Did you know if you were going to be  
9 excused that day?

10 MR. RHOADS: I think that's been asked and  
11 answered, but go ahead.

12 A. Yes.

13 BY MS. PETERSON:

14 Q. Was that something that you had worked out  
15 with Jerome ahead of time?

16 A. That I had worked out? No. He said he was  
17 calling me out, and he did.

18 Q. Did he tell you what time?

19 A. No. I was given the time.

20 Q. Did the school tell you that you had been  
21 called out for this time? Or did you know ahead of time  
22 that he was going to call you out?

23 A. They gave me that time, but I knew he had  
24 called me out.

25 Q. So you were expecting to be excused that

1 day?

2 A. Yes.

3 Q. Do you remember being excused by anyone  
4 prior to that? Does that make sense?

5 A. What do you mean?

6 Q. Had you, before that, ever been excused  
7 from school early or called in late?

8 A. By my dad, no.

9 Q. By anyone?

10 A. Not that school year, I don't think.

11 Q. I have that your mom excused you on  
12 August 19th. Do you remember anything about that?

13 MR. RHOADS: Of which year?

14 BY MS. PETERSON:

15 Q. Of 2016.

16 A. If she called me out, then it was her.

17 Q. Right. Just do you remember being excused  
18 that day?

19 A. I don't know. I don't know.

20 Q. Okay. Do you remember typically what you  
21 did if you were excused from school, what process did  
22 you do to leave the school?

23 A. They would tell you, and sometimes they  
24 would give you a slip; sometimes they didn't. Sometimes  
25 they'd walk a slip to your classroom or they would just

1 A. No.

2 Q. Did Jerome ever come into the building or  
3 come to the school to pick you up?

4 A. He did not come into the building.

5 Q. Did he come to the school to pick you up at  
6 some point?

7 A. Yes.

8 Q. When was that?

9 A. The day he called me out for the full day.

10 Q. You met at the school?

11 A. Yes. I was at the school.

12 Q. Okay. We'll come back to that, because I  
13 want to try to go chronologically. As far as you know,  
14 did he ever come inside the building?

15 A. No.

16 Q. And each time that Jerome excused you, had  
17 he told you ahead of time that that's what he was going  
18 to do?

19 A. Was I told ahead of time that he was  
20 excusing me?

21 Q. Yes.

22 A. Not all the times.

23 Q. Do you remember which times you didn't  
24 know?

25 A. No.

1 Q. I'm going to have to break it down, then,  
2 so that I know what you do remember. On the  
3 September 9th time that he called you out, did you know  
4 that he was going to call you out that day?

5 A. Yes.

6 Q. And he had told you that either over the  
7 phone or via text; is that right?

8 A. Yes.

9 Q. Did you report that to anyone with the  
10 school?

11 A. No.

12 Q. Did the teacher tell you that your dad had  
13 called you out?

14 A. No. They never told me who called me out.

15 Q. Did you know who was calling you out on  
16 September 9th?

17 A. Yes.

18 Q. And then did you leave the school after he  
19 called you out?

20 A. Yes.

21 Q. Did you report to anyone that it was Jerome  
22 calling you out and not one of your parents?

23 A. No.

24 Q. Do you remember what door you left from?

25 A. No.

1 Q. Did you speak to anyone before you left?

2 A. I don't know.

3 Q. Did you walk off school property?

4 A. For what?

5 Q. That day, when you left, did you walk off  
6 school property?

7 A. No. I always parked on school property.

8 The streets we parked on are -- it's okay. What is your  
9 question?

10 Q. You walked to your car that day?

11 A. Yes.

12 Q. And then did you drive away from the  
13 school?

14 A. Yes.

15 Q. Where did you go?

16 A. I went to his house.

17 Q. Was that Jerome?

18 A. Yes.

19 Q. Why did you go to his house?

20 A. I initially went there to tell him I wasn't  
21 doing any of this.

22 Q. Were you able to tell him that?

23 A. No.

24 Q. Can you tell me what happened when you got  
25 there?

1 Jerome?

2 A. Yes.

3 Q. You didn't use any other name for him?

4 A. No. Well, Jerry.

5 Q. Do you remember talking with the police in  
6 January of 2017 about all of this?

7 A. I remember talking to them.

8 Q. Officer Boyum noted that when you talked  
9 with him -- is Officer Boyum a male or female?

10 A. Male.

11 Q. When you talked with him, that you told him  
12 the first time you had sexual intercourse with Jerome  
13 was in August of 2016. Is that how you remember it  
14 today?

15 A. No. The first time we did anything was the  
16 first day I was called out of school.

17 Q. Is there anything that makes you think it  
18 was that day versus August today?

19 A. I was called out of school for it.

20 Q. On September 9th, 2016, were your  
21 interactions with Jerome consensual?

22 A. No.

23 Q. Has anyone talked to you about the  
24 difference between consensual and not consensual?

25 A. Yes. I know the difference.

1 A. No.

2 Q. Did he threaten you some other way?

3 A. Yes.

4 Q. Can you tell me about that?

5 A. The ways I just told you.

6 Q. Okay.

7 A. My parents won't love me anymore because

8 they would believe him.

9 Q. Do you remember any other communications

10 you had with him that day?

11 A. No.

12 Q. Did you see him again after that day?

13 A. Yes. When he called me out of school.

14 Q. Did you continue texting with him after

15 that day?

16 A. Yes.

17 Q. After that encounter, did you talk with

18 anyone else about what happened?

19 A. No.

20 Q. Did you report it to anyone at the school?

21 A. No.

22 Q. Had anyone at the school talked with you

23 about the availability of guidance counselors, if

24 needed?

25 A. For what?

1 from school early, did the same thing happen on  
2 September 3rd?

3 A. Yes.

4 Q. So the school did everything the exact same  
5 way that they always had?

6 A. Yes.

7 Q. And then did you do the same thing that you  
8 had on September 9th?

9 A. Rephrase.

10 Q. Did you walk to your car and leave the  
11 school?

12 A. Yes.

13 Q. Did you tell anyone with the school where  
14 you were going?

15 A. No. Nobody asked.

16 Q. Did you know on September 23rd that you  
17 were going to be called out?

18 A. I don't remember.

19 Q. Did you know who was calling you out?

20 A. Yes.

21 Q. Did you tell anyone at the school, whether  
22 it be the teachers, principals, any of the faculty, that  
23 it was not one of your parents calling you out?

24 A. No. Again, they didn't ask.

25 Q. Do you remember what door you left from

1 that time?

2 A. No.

3 Q. Would you have been in the same building as  
4 before?

5 A. Yes.

6 Q. Would you have parked in the same general  
7 location?

8 A. I always parked at the school.

9 Q. And then where did you go after you left  
10 the school on September 23rd?

11 A. His house.

12 Q. What happened when you got to Jerome's  
13 house?

14 A. The same thing that happened the first  
15 time.

16 Q. Was it consensual?

17 A. No. I didn't want any of this. He told me  
18 that I was supposed to feel good and that I was to --

19 Q. It's okay. Go ahead.

20 A. And I was supposed to lay there and take  
21 it.

22 Q. Did you tell the police any of this?

23 A. Yeah.

24 Q. Did you tell the police that it was  
25 consensual?

1           A.    Yes, but it wasn't. I was told to say it  
2 was.

3           Q.    By who?

4           A.    By him.

5           Q.    Was there any other reason why you told the  
6 police that your encounters with Jerome were consensual?

7           A.    I was scared.

8           Q.    Can you tell me what you were scared of?

9           A.    I was actually scared that my parents  
10 wouldn't believe me because he told me it so much.

11          Q.    Do you remember speaking with the police  
12 multiple times?

13          A.    Rephrase.

14          Q.    Yeah. Do you remember how many times you  
15 spoke with the police about what happened with Jerome?

16          A.    I don't remember.

17          Q.    On September 23rd, 2016, was your encounter  
18 with Jerome off school property?

19          A.    Yes.

20          Q.    Was it at his house?

21          A.    Yes.

22          Q.    I have the next time you've listed as  
23 October 14th, 2016. Does that sound right?

24          A.    Yes.

25          Q.    I'm just going to go through the same types

1 of questions. Was that a Friday?

2 A. Yes.

3 Q. Did you know that Jerome was going to call  
4 you out that day?

5 A. Yes.

6 Q. Did you know it was him calling you out?

7 A. Yes.

8 Q. Did you tell anyone with the school that it  
9 wasn't your mom or your dad calling you out that day?

10 A. No. And nobody asked.

11 Q. Did the school follow the same type of  
12 procedure that they had before?

13 A. Yep.

14 Q. And then did you walk to your car and drive  
15 off school property?

16 A. Yes.

17 Q. Where did you go?

18 A. His house.

19 Q. Was there anything about that encounter  
20 that was different from the previous two encounters?

21 A. Explain.

22 Q. What happened that day?

23 A. The same thing. I was raped.

24 Q. Would you consider that encounter  
25 consensual?

1 Q. Do you know which one you parked on that  
2 day?

3 A. Yes.

4 Q. Which one?

5 A. The one by the stadium.

6 Q. Is it a football stadium?

7 A. Yes.

8 Q. Do you think it's Monroe Street?

9 A. It was by a student entrance.

10 Q. To which building?

11 A. Student entrance to the stadium.

12 Q. And then did you drive separately to  
13 Jerome's house?

14 A. No.

15 Q. You rode with him?

16 A. Yes.

17 Q. You left your car at the school?

18 A. Yes.

19 Q. Did you know that he was going to call you  
20 out for the whole day?

21 A. Yes.

22 Q. Had he texted with you about that plan?

23 A. Yes.

24 Q. And then did you go back to his house?

25 A. Yes.

1 Q. Can you tell me what happened then?

2 A. I was raped.

3 Q. Would you consider that encounter  
4 consensual?

5 A. No.

6 Q. And I know we talked about the  
7 September 9th encounter and what about it made it not  
8 consensual. What, on November 11th, from your  
9 perspective, made it not consensual?

10 A. Because I didn't want this to happen.

11 Q. Do you remember if you told him no that  
12 day?

13 A. I don't know.

14 Q. Did you have any encounters with Jerome  
15 after November 11th, 2016?

16 A. No.

17 Q. I have that your mom excused you on August  
18 19th and December 15th. Do you remember being excused  
19 either of those days?

20 A. Yes.

21 Q. How were you excused?

22 A. The same way. She called in.

23 Q. Do you recall who she talked with?

24 A. No.

25 Q. Do you know what she told the person she



1 Q. 2017?

2 A. Yes. No.

3 Q. 2016. It was 2017?

4 A. I get that wrong all the time when the  
5 calendar flips over. It's a mess.

6 Q. Do you remember what you told your parents?

7 A. Like I remember telling them everything  
8 that had happened.

9 Q. Did you tell them that Jerry had raped you  
10 or that it was consensual?

11 A. I told them he raped me.

12 Q. And that was a Friday; is that right?

13 A. Yes.

14 Q. Then what happened?

15 A. I told them all the threats that Jerry had  
16 told me. They just kind of went through my phone. They  
17 kind of tried to figure out what was going on. They  
18 went through my phone online. They just --

19 Q. Did they talk with Jerry?

20 A. Yes, my dad did.

21 Q. Were you there when that happened?

22 A. No, I was not.

23 Q. And you remember all this occurring on a  
24 Friday?

25 A. Yes.

1 same?

2 A. I think it was always the same. I don't  
3 know.

4 (A break was taken.)

5 (Exhibit A was marked for  
6 identification.)

7 BY MS. PETERSON:

8 Q. L , we're going to hand you what's been  
9 marked Exhibit A. Can you tell me what that is?

10 A. The text messages.

11 Q. Can you tell me who they are from?

12 A. Yes.

13 Q. Who are they from?

14 A. They're from Jerry.

15 Q. And who are they to?

16 A. To me.

17 Q. Are your responses on the left or the  
18 right?

19 A. The right.

20 Q. Can you tell me what date those were sent?

21 A. December 8th.

22 Q. 2016?

23 A. Yes.

24 Q. Did you ever send any explicit messages  
25 like those in Exhibit A to Jerry?

1 A. Not this detailed, but yes.

2 Q. Why did you do that?

3 A. I just did what I thought he wanted to  
4 hear.

5 Q. Had he told you that he wanted to text with  
6 you this way and wanted you to respond in a certain way?

7 A. He would text me and he would say something  
8 and he'd say like, "What do you want me to do to you?"

9 Q. And then you would respond?

10 A. Yeah.

11 Q. I've got some other messages that I think  
12 are from your phone. Do you know how these text  
13 messages were obtained?

14 A. I know my dad printed out some text  
15 messages offline.

16 Q. Can you tell me who this phone number is?

17 A. Yes.

18 Q. Who is it?

19 A. I think it's Dylan's.

20 Q. Can I have it back? I was just going to  
21 read it in, because -- it's (573) 727-8891. The date  
22 says April 3rd, 2005; is that right?

23 A. No.

24 Q. Is that what the paper says?

25 A. Yes, that's what the paper says.

1 Q. And do you have any evidence that the  
2 school knew that it was Jerome calling you out?

3 A. I don't know.

4 Q. I don't know can't be the answer on this  
5 one. It's whether or not you do or don't have the  
6 evidence.

7 A. Rephrase the question.

8 Q. Do you have any evidence that the school  
9 knew that it was Jerome that was calling to excuse you?

10 A. No, I don't.

11 Q. Had you seen any other student ever be  
12 called out before?

13 A. Have I seen them?

14 Q. Yes. Have you ever seen another student  
15 leave class early and be excused?

16 A. Yes.

17 Q. Is the procedure that the other students go  
18 through any different than what you went through in  
19 2016?

20 A. Explain.

21 Q. When those students were called out, did  
22 the school do anything differently that you saw versus  
23 when you were called out?

24 A. No.

25 Q. Are the male students excused any

1 differently than the female students that you've seen?

2 A. I don't know.

3 Q. Have you seen any difference between how  
4 the male students are excused versus the female students  
5 are excused?

6 A. No.

7 Q. Are you aware of any student who is treated  
8 differently when they're excused?

9 A. Rephrase that.

10 Q. Have you ever seen any other student be  
11 treated differently when they're excused from school  
12 early or called in as absent from school?

13 A. I don't know. Why would I be watching them  
14 -- like I don't watch kids get excused. I'm not an  
15 office help.

16 Q. You allege in your First Amended Complaint  
17 that you were denied accommodations based on your gender  
18 at school. What accommodations were you denied?

19 A. Rephrase it, please.

20 Q. You claim in your petition that you were  
21 denied the accommodations, advantages, facilities,  
22 services or privileges made available in the public  
23 school. Can you tell me what the school denied you?

24 A. I was allowed out of the school when they  
25 didn't make any effort to -- rephrase the question

1 that Jerome had made; is that right?

2 A. Yes.

3 Q. You claim in your petition that your right  
4 to education was interfered with. Can you tell me how  
5 your right to education was interfered with by the  
6 school?

7 A. Yes. Because I wasn't there those days  
8 that I missed.

9 Q. Did you know the school's excuse policy  
10 prior to when Jerome started calling you out?

11 A. Repeat the question.

12 Q. Did you know what the school's policy was  
13 or how you could be excused?

14 A. I knew a parent could come in or had to  
15 call to be excused. But whenever they came in, they  
16 always had to provide an ID or something. But if you  
17 called in, they just said, "Okay. Yeah. Here's her  
18 pass," or, "Here's his pass."

19 Q. Do parents have to show ID when they come  
20 into the building?

21 A. I've seen some of them show IDs.

22 Q. So the school doesn't typically let adults  
23 in the building without some type of proof who they are;  
24 is that right?

25 A. I don't know. I know there's been times

1 when my mom went to pick me up, and sometimes she has to  
2 show ID and sometimes she doesn't.

3 Q. After this incident?

4 A. Before it, too. So my parents had to pick  
5 me up -- not just at the high school.

6 Q. Do you understand that the policy might be  
7 different based on the student's age?

8 A. Yes.

9 Q. So I want to talk about when the student is  
10 16 and driving to school. What -- and basically at the  
11 high school, what is the high school's typical policy  
12 when they're excusing students? I think we talked about  
13 that prior to Jerome excusing you, your mom had excused  
14 you once, and that she had excused you by phone; is that  
15 right?

16 A. Yes.

17 Q. So had you known that your parents could  
18 call in and excuse you by phone?

19 A. Yes.

20 Q. And that's because you can drive and you  
21 can take yourself to whatever appointment you might be  
22 going to; is that right?

23 A. Repeat the question.

24 Q. A parent can call in and excuse you because  
25 you can drive yourself -- or a student can drive him or

1 herself to any appointment that they're being excused  
2 for; is that right?

3 A. I don't know.

4 Q. If you are excused for an appointment, can  
5 you drive yourself to the appointment?

6 A. If the parents says they can.

7 Q. And the parents can tell the school that by  
8 calling in; is that right?

9 A. I don't know.

10 Q. Who is Robert James?

11 A. Repeat the question.

12 Q. Who is Robert James.

13 A. The principal.

14 Q. What does Mr. James do to dismiss or excuse  
15 students?

16 A. He doesn't.

17 Q. Do you know any personal role that  
18 Mr. James took in excusing you from the school when  
19 Jerome called in?

20 A. I don't know.

21 Q. Do you know of any calls Mr. James took?

22 A. I don't know.

23 Q. Is that a no, then, you don't know of any  
24 calls that Mr. James took?

25 A. I don't know. I don't know who took the

1 phone calls.

2 Q. Okay. So you don't know that Mr. James  
3 took any calls; is that correct?

4 A. Yes.

5 Q. And did Mr. James personally dismiss you on  
6 any of the four occasions?

7 A. What do you mean?

8 Q. Was he the one that told you you were  
9 dismissed?

10 A. No. A teacher did.

11 Q. Did he check you out any of the days that  
12 you were dismissed?

13 A. You don't have to check out.

14 Q. So no, he did not check you out?

15 A. No.

16 Q. What did Mr. James do wrong?

17 A. He's in charge of that school. They need a  
18 better policy, because I don't want this to happen to  
19 anybody else.

20 Q. I think we are done with the fact portion,  
21 so we're going to shift and start talking about damages.  
22 There's kind of two parts to every lawsuit: The facts  
23 and damages. So we're going to shift to the damages  
24 part now.

25 Can you tell me what you're claiming as

1 Q. Yeah. Was there anything that Mr. James  
2 personally did to deny you accommodations?

3 A. I don't know.

4 Q. Prior to January 2017, was there anything  
5 that Mr. James did to discriminate against you based on  
6 your gender?

7 A. Can you repeat your question?

8 Q. Prior to January of 2017, was there  
9 anything that Mr. James did personally to discriminate  
10 against you based on your gender?

11 A. No.

12 Q. Did you have any communication with  
13 Mr. James prior to January of 2017?

14 A. No.

15 Q. Did you after January of 2017?

16 A. No.

17 Q. Do you know of anything that Mr. James has  
18 said about this incident?

19 A. Repeat the question.

20 Q. Do you know of anything that Mr. James has  
21 said about this incident?

22 A. No.

23 Q. Do you know of anything that the school  
24 district or anyone on its behalf has said about this  
25 incident?

1 Q. You said Jerome told you that it was easy  
2 to call you out of school. Was there anything else that  
3 he told you about his communications with the school  
4 district?

5 A. No.

6 Q. Did you do anything to tell the school  
7 district that it was Jerome that was calling you out  
8 versus your parents?

9 A. Repeat your question.

10 Q. Did you do anything to tell the school  
11 district that it was Jerome calling you out and not your  
12 parents?

13 A. No.

14 Q. Were you trying to hide that it was Jerome  
15 calling you out from people because he had threatened  
16 you?

17 A. Hide it by like covering it up?

18 Q. Or not telling anybody what was going on.

19 A. Repeat your question, please.

20 Q. Were you trying to hide that it was Jerome  
21 calling you out from people because he had threatened  
22 you?

23 A. Yes.

24 MS. PETERSON: I don't have anything else.

25 MR. RHOADS: I don't, either.